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EXAMINER

PHAM, BRENDA H

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 01/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/237,533

Applicant(s)  
MARSHALL et al

Examiner  
Brenda Pham

Art Unit  
2664

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Dec 11, 2001

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-13 and 21-25 is/are pending in the applica

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from considera

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1, 2, 5-10, 13, 21, 22, 24, and 25 is/are rejected.

7) ☒ Claim(s) 3, 4, 11, 12, and 23 is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirem

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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### DETAILED ACTION

1. This Office Action is in response to the applicant's response filed December 11, 2001. Claims 1-13, 21-25 have been examined.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1, 5, 21 and 24 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5-9, 21, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by **De Lapa et al** (US 5,353,218), hereinafter referred to as **De Lapa**.

-Regarding claims 1, 5, 21 and 24, **De Lapa** discloses a system for distributing packets of information to individuals at selected retail locations said system including (referring to FIG. 1, 4, 5 and 6): means (61 of FIG. 4) for creating packets of information in a digital format; a wireless network (see FIG. 4) for transmitting packets of information to retail locations (69 of FIG. 4); and a network of printer appliances (82 of FIG. 5) at locations (88 of FIG. 4, 'IN-STORE PROCESSOR'), each of appliances being adapted to receive said transmitted packets of

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information from said wireless network; process and store selected packets of information from all those received, convert said selected packets of information into a printed format for distribution to said individuals and automatically print said selected packets.

-Regarding claims 2, 6, 22, **De Lapa** further teaches packets of information are redeemable retail coupons (see figure 2).

-Regarding claim 7, **De Lapa** also teaches wherein said means for creating includes means for importing textual and graphic information relating to said packets.

**De Lapa** teaches "a newsletter, such as a multicolor offset printed 45, is included with each set of coupon sheet 44 and 44'. The purpose of the newsletter is in order to provide further information about the products discounted by the coupons, which may be included in the packet mailed to the particular consumer, as well as to provide information to the consumer that will further cause the consumer to value participating in the coupon program.", (see col. 6, lines 13-20).

-Regarding claim 8, **De Lapa** further teaches means for identifying includes a database manager (Master data base 31) having a directory of all printer appliances and means for identifying those printer appliances to which each of said packets are intended to be distributed.

**De Lapa** teaches "Master data base 31 includes three files of records updated from member data base 25. A consumer Master Structure, such as that shown in Table 1, will hold the name, address and demographic data for each member...", (see col. 10, lines 65-67).

-Regarding claim 9, **De Lapa** teaches means for establishing a sequence of distribution of packets of information, (see col. 12, table 4, MAIL-SEQUENCE).

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*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **De Lapa et al** (US 5,353,218) in view of **Wright** (US Patent 6,085,972).

-Regarding claims 13 and 25, as explained above in the rejection statement of claim 1, **De Lapa** discloses all the claim limitations recited in claim 1 (parent claim).

**De Lapa** fails to teach wherein said printer appliance further includes a motion detector to detect the presence of an individual in the immediate proximity of said appliance and means to display a stimulus upon the detection of the presence of said individual.

**Wright**, in the same field of endeavor, teaches this limitation.

**Wright** teaches "The motion detector 68 is provided to detect the presence of a user in the area proximate the retail terminal 10. In particular, when a user approaches the area proximate retail terminal 10, the motion detector 68 generates an output signal which is sent to the main controller board 22. The main controller board 22 may then cause a video and/or audio sequence to be executed on the display monitor 20 and/or the stereo speaker assembly 16, respectively, which draws the user's attention to the retail terminal 10. It should also be appreciated that the motion detector 68 may also be used to facilitate energy conservation by the retail terminal 10.", (see col. 9, lines 1-10).

Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to implement a motion detector in **De Lapa** to detect the presence of a user in the area which draws the user's attention to the commercial program.

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*Allowable Subject Matter*

5. Claims 3, 4, 11, 12 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (703) 308-0148. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Brenda Pham  
January 10, 2002

  
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